

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FERNANDO HERNANDEZ, KENNETH CHOW,  
BRYANT WHITE, DAVID WILLIAMS, MARQUIS  
ACKLIN, CECILIA JACKSON, TERESA JACKSON,  
MICHAEL LATTIMORE, and JUANY GUZMAN, each  
individually, and on behalf of all other persons similarly  
situated,

Plaintiffs,

Case No.:  
12-CV-4339 (ALC)(JLC)

**DECLARATION**

-against-

THE FRESH DIET, INC., LATE NIGHT EXPRESS  
COURIER SERVICES, INC. (FL), FRESH DIET  
EXPRESS CORP. (NY), THE FRESH DIET – NY INC.  
(NY), FRESH DIET GRAB & GO, INC. (FL) a/k/a YS  
CATERING HOLDINGS, INC. (FL) d/b/a YS  
CATERING, INC. (FL), FRESH DIET EXPRESS CORP.  
(FL), SYED HUSSAIN, Individually, JUDAH SCHLOSS,  
Individually, and ZALMI DUCHMAN, Individually,

Defendants.  
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JEFFERY A. MEYER, ESQ. declares, pursuant to 28 U.S.C. § 1746, that the  
following statements are true and correct:

1. I am an attorney duly admitted to practice law before the Courts of the  
State of New York and the United States District Court, Southern District of New York.  
I am partner in the law firm Kaufman Dolowich & Voluck, LLP, attorneys for  
Defendants in connection with the above-referenced matter.
2. I respectfully submit this declaration in support of Defendants' Motion for  
Summary Judgment dismissing the Complaint filed by Plaintiffs.
3. Attached hereto as **Exhibit A** is a true and correct copy of the Amended  
Complaint in this action.

4. Attached hereto as **Exhibit B** is a true and correct copy of the Answer to the Amended Complaint in this action.

5. Attached hereto as **Exhibit C** is a true and correct copy of the Affidavit of Syed Hussain in Opposition to Plaintiffs' Motion for Class Certification.

6. Attached hereto as **Exhibit D** is a true and correct copy of the Affidavit of Yuda Schlass in Opposition to Plaintiffs' Motion for Class Certification.

7. Attached hereto as **Exhibit E** are true and correct copies of relevant portions of Plaintiff Chow's deposition transcript.

8. Attached hereto as **Exhibit F** are true and correct copies of relevant exhibits identified at Plaintiff Chow's deposition.

9. Attached hereto as **Exhibit G** is a true and correct copy of relevant portions of Plaintiff T. Jackson's deposition transcript.

10. Attached hereto as **Exhibit H** are true and correct copies of relevant exhibits identified at Plaintiff T. Jackson's deposition.

11. Attached hereto as **Exhibit I** is a true and correct copy of relevant portions of Plaintiff Acklin's deposition transcript.

12. Attached hereto as **Exhibit J** is a true and correct copy of relevant portions of Plaintiff Correa's deposition transcript.

13. Attached hereto as **Exhibit K** is a true and correct copy of relevant portions of Plaintiff DeLarosa's deposition transcript.

14. Attached hereto as **Exhibit L** is a true and correct copy of relevant portions of Plaintiff Hernandez's deposition transcript.

15. Attached hereto as **Exhibit M** is a true and correct copy of relevant portions of Plaintiff Guzman's deposition transcript.

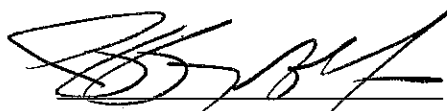
16. Attached hereto as **Exhibit N** are true and correct copies of the Form 1099s issued to Plaintiffs by Late Night.

17. Attached hereto as **Exhibit O** are true and correct copies of the tax returns produced by Plaintiffs for Juany Guzman, Andres Salas, Ezequiel Ortiz Torres, and David Williams.

18. Attached hereto as **Exhibit P** is a true and correct copy of the Amended Notice of Deposition to Edwin Perez.

19. Attached hereto as **Exhibit Q** is a true and correct copy of the Statement taken on the record for the Deposition to Edwin Perez. Plaintiffs' counsel has indicated that they are willing to remove him as a plaintiff to the lawsuit based on their failure to communicate with him.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on this 24<sup>th</sup> day of January 2014 in Woodbury, New York.



Jeffery A. Meyer, Esq.